APPENDIX A.

SUPREME COURT OF THE UNITED STATES.

October Term, 1941.

No. 844.

BAKERY SALES DRIVERS LOCAL UNION No. 344 (A. F. of L.), Auto Truck Drivers Joint Council No. 50 (A. F. of L.), Elmer Johnson, Joseph Reichartz, Gilbert Schlechta and G. McMicken, *Petitioners,*

vs.

CARPENTER BAKING COMPANY, a Corporation, *Respondent.*

STATE OF WISCONSIN,
Milwaukee County, ss:

Elmer Johnson, being first duly sworn, on oath, deposes and says that he is one of the petitioners above named; that he is also the Business Representative of the above entitled petitioner, Bakery Sales Drivers' Local Union No. 344 (A. F. of L.); and is duly authorized to make this affidavit on its behalf; that such affidavit is made for the purpose of meeting the affidavit heretofore filed by M. H. Carpenter on behalf of the Carpenter Baking Company, respondent, which affidavit was made in support of the contention that the principal issue in the instant cause has become moot;

Affiant further avers that the peaceful picketing activities of the petitioners were discontinued upon the affirmance by the Supreme Court of the State of Wisconsin of the judgment of the Circuit Court for Milwaukee County restraining such activities; that such activities had been directed to the employees of the Carpenter Baking Company for the purpose of advising the public of the non-union status of such employees, and for the purpose of persuading such employees to join and become members of Bakery Sales Drivers' Local Union No. 344 (A. F. of L.);

that it was hoped by such activities to acquire a sufficient number of members among the employees of the Carpenter Baking Company, so that Local Union No. 344 would then be in a position to request the Carpenter Baking Company to enter into an all-union agreement with it after first complying with the terms of Section 111.06(1)(c) Wisconsin Statutes, which provides among other things "that an employer shall not be prohibited from entering into an all-union agreement with the representatives of his employees in a collective bargaining unit, where three-fourths or more of the employees in such collective bargaining unit shall have voted affirmatively by secret ballot in favor of such all-union agreement in a referendum conducted by the Board.";

Affiant further avers that the ultimate aim and purpose of Local 344 to enter into an all-union agreement has not been abandoned; that the collective bargaining agreement entered into between the Carpenter Baking Company and Local No. 344 as set forth in the affidavit of M. H. Carpenter does not contain an all-union agreement because such agreement is prohibited by the afore referred to Section of the Wisconsin Statutes; that unless and until the judgment of the Wisconsin Supreme Court is reversed, and Local 344 is permitted to engage in peaceful picketing activities for the purpose of acquiring more members among the employees of the Carpenter Baking Company, Local 344 will be deprived of a substantial right in the achievement of its ultimate goal;

Affiant further avers that the collective bargaining agreement referred to in the affidavit of M. H. Carpenter did by its very terms expire on November 1, 1941, and that no new agreement has been entered into since that date, so that there is not now in existence a collective bargaining agreement between the Carpenter Baking Company and Local 344; that Local 344 is desirous of continuing its peaceful picketing activities to the end that it may enter into a contract with the Carpenter Baking Company containing the same terms and provisions contained in the contracts that are now in existence between Local 344 and all other major baking companies in the Milwaukee area, with the excep-

tion of the Carpenter Baking Company, such contracts containing such all-union agreement.

ELMER JOHNSON.

Subscribed and sworn to before me this 5th day of February, 1942.

DAVID PREVANT,
Notary Public, Milwaukee County, Wisconsin.

My commission expires May 10, A. D. 1942.

(8770)